

Round 19 Farmland Protection Implementation Grants (FPIG)

REQUEST FOR APPLICATIONS (RFA)

Overview

Welcome!

- For audio, you must call ... 518-549-0500
- WebEx Meeting Number:
 - (1) Tuesday morning (6/6/2023) = **161 292 6229** (followed by #) password: 5EiDtYMja23
 - (2) Tuesday afternoon (11/28/2023) = **161 145 5169** (followed by #) password: JvRX9bQpu82
- This webinar begins promptly at –
 9:00am (morning session) OR 1:00pm (afternoon session)
 We'll be getting underway shortly.
- When the webinar starts, please mute (*6) your phone until the Q&A period. Thank you for your cooperation!

WELCOME

(~5 minutes)	Eligible Applicants for this RFA
(~15 minutes)	Eligible Projects for this RFA
(~5 minutes)	Preemptive Purchase Right
(~20 minutes)	Match Contribution Requirements & Associated Stipulations
(~10 minutes)	Available Funds
(~20 minutes)	Overview of Project Deliverables ~ Disbursements
(~10 minutes)	Policy Guidance
(~10 minutes)	Program Specific Questions
(~20 minutes)	Financial Worksheet
	ADJOURN

NOTE: All questions must be submitted in writing; please send to: david.behm@agriculture.ny.gov
Answers to initial questions submitted by 6/9/2023 will be posted by 6/16/2023 and may be subsequently updated with additional questions/answers as deemed necessary.

Eligible Applicants for this RFP

- (1) any county agricultural and farmland protection board in a county with an approved county agricultural and farmland protection plan **OR**
- (2) any municipality which has in place a "local farmland protection plan"*

 OR
- (3) any not-for-profit conservation organization that will assist a county or municipality to implement a county or municipal agricultural and farmland protection plan approved by the commissioner **OR**
- (4) any soil and water conservation district that will assist a county or municipality to implement a county or municipal agricultural and farmland protection plan approved by the commissioner

^{*} A "local farmland protection plan" may include a town, village or city comprehensive plan as defined in the Town Law, the Village Law, or General City Law, if such plan includes an element which considers agricultural uses and needs; an open space plan adopted by the municipality which presents strategies for the preservation of viable agricultural land; or any other formal agricultural and farmland protection planning document *provided that if* the plan was developed on or after January 1, 2006, it must comply with section 324-a of Article 25-AAA of the Agriculture and Markets Law. Any applicant intending to submit an application for the first time for a proposed farmland protection implementation project is urged to contact the Department regarding the applicant's eligibility prior to submitting its application. (*Refer to pages 4-5 of the RFA.*)

Eligible Projects for this RFA

Perpetual agricultural conservation easement(s) that are either purchased or fully donated.

NOTES:

- (i) Each proposed project must be associated with viable agricultural land that will result in a perpetual agricultural conservation easement.
- (ii) Location of each proposed project must, at a minimum, be consistent with the location of any land or areas proposed to be protected in a county's or a municipality's agricultural and farmland protection plan.
- (iii) Each proposed project must be associated with at least one (1) Farm Operation (as that term is defined in Section 301 of Article 25-AA of the Agriculture and Markets Law). However, any given Farm Operation may be the subject of more than one application provided that requested funding does not overlap the same land. Any portion of a Farm Operation comprised of leased land will be eligible provided that a majority (i.e., more than 50.0%) of the Lessor's acres to be included in the Agricultural Conservation Easement Project are under the control of a written agricultural lease. NOTE: Provides an opportunity to include all of Lessor's property when setting stage for change of ownership, especially if to Lessee.
- (iv) Publicly owned lands (except for any Access to Farmland category project) or lands subject to an existing conservation easement (regardless of its duration) are not eligible under this RFA.

 NOTE: Another webinar will address this topic.
- (v) Lands subject to an easement (regardless of its duration) or a lease (regardless of its duration) associated with a cellular communications tower are not eligible under this RFA. As referenced herein, "lands subject to" refers to any portion of the land to be protected by a proposed Conservation Easement Project that is unreasonably restricted by that easement or lease.

Eligible Projects for this RFA (continued)

An eligible project must satisfy all project eligibility criteria:

- category-specific current Farm Operation requirement(s) (i.e., requirement(s) specific to each eligible category e.g., access to farmland, agroforestry, climate resiliency, equine, field crops, food security, livestock or livestock products, source water protection, specialty crops, viable agricultural land-other, or vineyard);
 NOTE: Another webinar will address this topic.
- 2. operation-and-region-specific minimum acreage (i.e., size of Agricultural Conservation Easement Project);
- 3. operation-and-region-specific minimum percentage (%) for extent of Active Agricultural Production;
- 4. operation-and-region specific minimum percentage (%) for extent of Productive Soils; NOTE: Another webinar will address this topic.

Eligible Projects for this RFA (continued)

- 5. site plan for the Conservation Easement Project that is fully consistent with Department guidance regarding land planning for an agricultural conservation easement project (please refer to "Policy Guidance" on pages 15-16 of this RFA); and
- 6. operation-and-region specific minimum percentage (%) for extent of Productive Soils; *NOTE: Another webinar will address this topic.*
- 7. site plan for the Conservation Easement Project that is fully consistent with Department guidance regarding land planning for an agricultural conservation easement project (please refer to "Policy Guidance" on pages 15-16 of this RFA); and

Eligible Projects for this RFA (continued)

- 8. use of one of the following conservation easements:
 - a. [required for 87.5% cost share] Department's most current "Model Agricultural Conservation Easement" without modification thereto, *OR*
 - **b.** [allowed for up to 75.0% cost share] applicant easement containing the Department's most current "FPIG Program Required Easement Provisions" without modification thereto, **provided the applicant easement**:
 - i. contains no reference to §247 of New York State General Municipal Law, and
 - ii. shall not unreasonably restrict or regulate Farm Operations in contravention of the purposes of Article 25-AA of the Agriculture and Markets Law, **and**
 - iii. must be consistent with the "Purpose" and "Implementation" provisions as required by the Department;
 - c. [ONLY allowed for "25% plus" cost share] applicant easement version as that to be submitted for funding disbursement approval from the Federal agency administering the Federal farmland protection grant

Eligible Projects for this RFA (continued)

- 9. satisfies the match contribution requirements and associated stipulations as summarized in table on page 12 of this RFA; and
- 10. includes all required content of the online application as published on New York State Grants Gateway, and as may be supplemented through the posting of any questions and answers pursuant to the "Questions and Answers" section of this RFA.

Preemptive Purchase Right

A Preemptive Purchase Right may only be incorporated into a Conservation Easement Project *if* –

- At least 25% of the area to be encumbered by a conservation easement containing a
 Preemptive Purchase Right is comprised of Prime Soils (not "Prime, if drained," or
 "Soils of Statewide Importance," or "Unique Soils").
 - For example: If a Conservation Easement Project is comprised of three conservation easements, each individual conservation easement area must be comprised of at least 25% Prime Soils before each easement document could include a PPR provision. If any one of those proposed easement areas is not covered by at least 25% Prime Soils, then PPR shall not be incorporated into that particular conservation easement. Therefore, a multiple easement Conservation Easement Project will not necessarily include PPR in each easement document.
 - **NOTE**: Preemptive Purchase Right shall be **required for any** Food Security category project, provided: at least twenty-five percent (25%) of each conservation easement area is comprised of Prime Soils (i.e., not "Prime, if drained" or "Soils of Statewide Importance") this will be addressed in another webinar
- The local cash match (none of which shall be from the participating landowner(s)) fully
 covers the balance of the cost of the PPR not covered by the State contribution for
 each conservation easement containing a PPR provision whenever the applicant is
 requesting up to 75.0% cost-share for the Conservation Easement Project.
- Department-required definition of "Qualified Farmer" is incorporated.

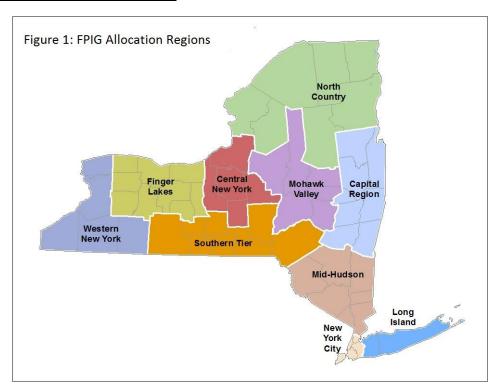
 NOTE: If PPR is incorporated into a Food Security category project, this definition may be altered with approval of the Department this will be addressed in another webinar.

	_		Minim	um Local Match	
Maximum State Award	Maximum State Contribution	Other "Caps" on State Contribution	%	Cash	Other State Requirements
\$2,000,000	87.5% of total project costs	(a) Preemptive Purchase Right ² : 40% of value of development rights, or \$250,000, whichever is less ³ , <i>AND</i> (b) Easement Stewardship Fee ⁴ : \$10,000 per easement OR 50% of total transaction costs per easement.	12.5% of total project costs (solely from landowner)	None specified	Use of Department Model Agricultural Conservation Easement
\$2,000,000	Up to 75.0% of total project costs	(a) Preemptive Purchase Right ² : 40% of value of development rights, or \$250,000, whichever is less ³ , <i>AND</i> (b) Easement Stewardship Fee ⁴ : \$10,000 per easement OR 50% of total transaction costs per easement.	25.0% of total project costs	5.0% of total project costs or \$5,000, whichever is less, which shall not be borne entirely by landowner (waived if development rights value fully donated); EXCEPT IF Preemptive Purchase Right (PPR), then local cash match must increase to fully cover the balance of the cost of the PPR (none of which shall be borne by the landowner(s))	Use of Department-required conservation easement provisions provided remainder of conservation easement (a) "shall not unreasonably restrict or regulate Farm Operations in contravention of the purposes of Article 25-AA of the AML," AND (b) contains no reference to §247 of New York State General Municipal Law, AND (c) must be consistent with the "Purpose" and "Implementation" provisions as required by the Department
\$500,000	25.0% of purchase price plus all transaction costs [Not available for Food Security, Climate Resiliency, or Source Water Protection categories.]	(a) Preemptive Purchase Right ² : 40% of value of development rights, or \$250,000, whichever is less ³ , AND (b) Easement Stewardship Fee ⁴ : \$10,000 per easement OR 50% of total transaction costs per easement.	balance of all project costs	Federal farmland protection grant award	Purpose of conservation easement will (minimally) ensure that the land remains available for agricultura use

² If the agricultural conservation easement includes a Preemptive Purchase Right, these additional stipulations must be met: (a) 25% of the land subject to that agricultural conservation easement must be comprised of Prime Soils (i.e., NOT "Prime, if drained" or "Soils of Statewide Importance"), and (b) use of Department-required definition of "Qualified Farmer." However, regarding stipulation (a), please refer to footnote "1" at the bottom of page 8.

³ The cap on Preemptive Purchase Right is waived for any *Food Security* category project whose acreage is no more than five (5) acres above the minimum size of projects as noted in Appendix A-6. NOTE: Another webinar will address this topic. ⁴ The limit on easement stewardship may be exceeded only if this fee is based on annual costs as determined in a policy adopted by the Grantee's governing body, and, if so and if deemed reasonable by the Department, then this amount shall not exceed 50.0% of total transaction costs for each easement comprising the proposed project.

Available Funds



Each of 10 regions will receive an equal allocation of available funds.

After March 31, 2024, the Commissioner may award available funds to eligible projects without regard to regional boundaries provided that all projects awarded thereafter are made in the order of the date on which the Department determined that each such project was eligible for an award.

Western New York:

Allegany, Cattaraugus, Chautauqua, Erie, Niagara

Finger Lakes:

Genesee, Livingston, Monroe, Ontario, Orleans, Seneca, Wayne, Wyoming, Yates

Southern Tier:

Broome, Chemung, Chenango, Delaware, Schuyler, Steuben, Tioga, Tompkins

Central New York:

Cayuga, Cortland, Madison, Onondaga, Oswego

Mohawk Valley:

Fulton, Herkimer, Montgomery, Oneida, Otsego, Schoharie

North Country:

Clinton, Essex, Franklin, Hamilton, Jefferson, Lewis, St. Lawrence

Capital Region:

Albany, Columbia, Greene, Saratoga, Schenectady, Rensselaer, Warren, Washington

Mid-Hudson:

Dutchess, Orange, Putnam, Rockland, Sullivan, Ulster, Westchester

New York City:

Bronx, Kings, New York, Richmond, Queens

Long Island:

Nassau, Suffolk

<u>Project Deliverables – Conservation Easement Projects</u>

Preliminary Review

All Conservation Easement Projects must receive the Department's preliminary approval before compiling a project file.

To be submitted within 6 months of State approval of your awarded contract:

- (1) **Title report** *plus* **title curatives letter** from Grantee attorney;
- (2) **Draft conservation easement(s)** associated with the proposed project, *provided:*
 - ➤ If award is 87.5% of total project costs, the red-lined draft document submitted shall use the most current version of the Department's Model Agricultural Conservation Easement as its template.
 - ➤ For Conservation Easement Projects receiving an award of 25% of easement purchase price plus transaction costs, the draft document submitted will be the version to be submitted for funding disbursement approval from the Federal agency administering the Federal farmland protection grant.
 - ➤ For all other awarded Conservation Easement Projects if applicant chooses not to use Department's Model Agricultural Conservation Easement, the red-lined¹⁰ draft

⁹ A "red-lined" version of the most current version of the Department's Model Agricultural Conservation Easement is merely a digital file (Word document format) which had "track changes" feature turned on **before any modification** was made to the original digital file. Thus, the resulting "red-lined" version **shall reveal all modifications** made to it.

¹⁰ A "red-lined" version of the applicant's conservation easement is merely a digital file (Word document format) which had "track changes" feature turned on before any of the Department-required provisions (most current version) were incorporated into it. Thus, the resulting "red-lined" version shall reveal all of the required insertions.

document submitted shall be the Grantee's proposed easement into which the most current version of the Department's required provisions have been incorporated without modifications thereto. Further, all other provisions of the Grantee's proposed easement must be consistent with the "Purpose" and "Implementation" provisions as required by the Department and the easement document shall contain no reference to §247 of New York State General Municipal Law.; and

(3) **Site plan** (*only if* it has been modified from that represented in applicant's grant proposal) for each draft conservation easement that has been signed by all owners of the land associated with each draft conservation easement and that has also been signed by a representative of the Grantee.

NOTE:

- (i) Preliminary review may include site visit by Department's Farmland Protection Program Manager, Grantee and participating landowner(s) to review the proposed site plan. If inconsistent with Department guidance documents or otherwise deemed unacceptable <u>and</u> unable to resolve to the satisfaction of the Department, the Department may terminate the funding agreement and withdraw the State award.
- (ii) Department review of the title report and title curatives proposed by the Grantee's attorney at this stage will help ensure that substantive title matters are properly resolved early in the overall process.

<u>Project Deliverables – Conservation Easement Projects</u> (continued)

Project File

To be submitted within 18 months after receiving State approval of your awarded contract:

- (1) Landowner Letter(s) of Intent to Convey Conservation Easement(s) on Viable Agricultural Land signed by each owner of the subject land;
- (2) Financial Worksheet;
- (3) Appraisal report;
- (4) Final draft conservation easement(s);
- (5) Certification of Title Curatives from Grantee attorney plus associated attachments (please refer to page 14 of RFA);
- (6) Status of Conservation Plan Certification Form; and
- (7) Waiver (of preliminary/final notice of intent) (only if subject land is in an agricultural district and a Grantee is a governmental entity).

<u>Project Deliverables – Conservation Easement Projects</u> (continued)

Final Report

To be submitted within 120 calendar days after receiving interim payment #2:

- (1) Conservation Easement Closing Certification;
- (2) Title insurance policy;
- (3) Conservation easement defense liability insurance policy (if applicable);
- (4) copy of each recorded Conservation Easement;
- (5) **Soil health assessment** (*required for* any *Climate Resiliency* category project or any *Food Security* category project, or for any other category project for which State funds were requested for this specific project cost); and

NOTE: Another webinar will address this topic.

(6) FPIG Project Closing Statement spreadsheet plus supporting documentation.

NOTES:

(i) If Final Report is not submitted in a timely fashion or if it is not deemed acceptable, the final payment (equivalent to the State contribution toward (1) easement stewardship and (2) easement defense liability insurance (if applicable), per each conservation easement comprising the project) may be retained by the Department.

<u>Disbursements – Conservation Easement Projects</u>

TIMING	DELIVERABLES ¹¹	SCHEDULED PAYMENT ¹² (State Contribution)				
Contract Approval Date	Approval of contract by New York State.	 (1) Advance Payment includes: Title report stipend (\$1,500) Project partners' staff time (1/2 of state contribution) Project partners' legal fees (1/2 of state contribution) 				
Month 1 to 6 (After State approval of contract)	Submission for Preliminary Review: • Refer to pages 13-14 of RFA					
Month 7 to 8 (After State approval of contract)	Department Preliminary Approval of project.	 (2) Interim Payment #1 includes: State share of appraisal State share of baseline documentation report Project partners' staff time (1/2 state contribution) State share of survey Project partners' legal fees (1/2 state contribution) 				
Month 9 to18 (After State approval of contract)	Submission of Project File: • Refer to page 14 of RFA					
	Department approval of Project File.	(3) Interim Payment #2 includes: Balance of contract award less final payment amount.				
120 Calendar Days (After receipt of Interim Payment 2)	Submission of Final Report: • Refer to pages 14-15 of RFA					
	Department approval of Final Report.	 (4) Final Payment includes (State share, as applicable): Easement stewardship fee Conservation easement defense liability insurance 				

¹¹ The successful applicant must adhere to the anticipated dates for the specified project deliverables to ensure prompt completion of the project; doing so will enable more predictable State disbursements. Failure to timely achieve the deliverables may result in termination of the contract upon the **Department's** examination of the circumstances surrounding the delay.

¹² All payments are disbursed on a first approved, first paid basis. All payments are as authorized by the NYS Division of the Budget and the NYS Office of State Comptroller.

<u>Disbursements – Conservation Easement Projects</u> (continued)

BSC Payment Process

All disbursements are now processed at the Business Service Center (BSC) and every vendor must now submit each of your contract's four Claims For Payment directly to BSC.

Once you have earned each payment, Dave Behm will provide you a pre-filled version of each of the following documents for your use (see illustrations on last page):

- BSC Invoice Submission Form for Vendors please enter an "Invoice Date" before submitting it to the BSC
- Claim For Payment please have an authorized representative sign it, then scan it and submit that scanned image

When you submit each specific Claim to the BSC via an email message directed to AccountsPayable@ogs.ny.gov, please be sure that the order of attachments is as follows (do NOT attach any other documents to that email message):

- 1. Claim For Payment
- 2. BSC Invoice Submission for Vendors

Lastly, <u>please copy Dave Behm and Maureen Irish on your submittal to the BSC</u> so that they may be alerted that you have made a request for payment.

Policy Guidance

The **Department** is providing the following guidance documents to assist in the compilation of a grant application and all required project deliverables:

- "Farmland Protection and Agricultural Districts (GD#1)";
- "Developing a Land Plan for an Agricultural Conservation Easement (GD#3)";
- "<u>Title Commitment and Curatives for Conservation Easements</u>";
- "Model Agricultural Conservation Easement" (required when awarded a State contribution of 87.5% of eligible total project costs);
- "Farmland Protection Implementation Grants (FPIG) Program Required
 <u>Easement Provisions</u>" (if the Department's Model Agricultural Conservation
 Easement is not used, then these provisions are required to be incorporated into
 the applicant's conservation easement document when awarded a State
 contribution of up to 75% of eligible total project costs, EXCEPT those awarded
 25% of easement purchase price plus all transaction costs);
- "Appraisals for Conservation Easements (GD#6)"; AND
- "Definition of 'Qualified Farmer' for a Preemptive Purchase Right."

Program Specific Questions (See Grants Gateway Application Submission Instructions as noted below.)

Site Plan: Please submit a site plan that covers the entire proposed Agricultural Conservation Easement Project. Please refer to Grants Gateway
Application Submission Instructions for detailed instructions regarding the compilation of a complete site plan. If any leased land will be part of the proposed Agricultural Conservation Easement Project, please clearly delineate each such leased parcel that will be encumbered by the proposed agricultural conservation easement(s).

Upload: Choose File No file chosen

Please note the following information from Section 3.7.2 ("Program Specific Questions," page 8) of the *Grants Gateway Application Submission Instructions* pertaining to Program Specific Question #10: (NOTE: Another webinar will address additional info)

Program Specific Question #10 - Site Plan:

Please submit a site plan that covers the entire proposed Agricultural Conservation Easement Project. Each site plan will be comprised of these components:

- a) **context map:** Single page (11"x17" page size) that **reveals all component parcels** comprising the entire Agricultural Conservation Easement Project AND **reveals any exclusion** that is embedded, adjoining, or in *close proximity* to any of the component parcels.
- b) detail map(s): ONE page (11"x17" page size) per easement area (if your Agricultural Conservation Easement Project is comprised of more than one agricultural conservation easement) OR ONE page (11"x17" page size) per Agricultural Unit (if an agricultural conservation easement associated with your Agricultural Conservation Easement Project will refer to Agricultural Units therein). Please do not use any shading or cross-hatching on any portion of any detail map. Please select an appropriate scale and recent aerial imagery for each detail map to enable the reviewer to evaluate the landscape.
- c) narrative: ONE page (8-1/2"x11" page size) per detail map that addresses (as applicable) the following
 - rationale for the need of designated Use Areas (e.g., Farmstead Area, Compatible Enterprise Area, Resource Protection Area, etc.);
 - rationale for the size of designated Use Areas;
 - rationale for the location of designated Use Areas;
 - rationale for any Use Area not designated but for which a right to establish each shall be reserved in the agricultural
 conservation easement please be sure to address why the Use Area is not designated at this time as well as the
 need for and size of each such reserved Use Area;
 - rationale for the need for any exclusion;
 - rationale for the size of any exclusion; and
 - rationale for the location of any exclusion.

Program Specific Questions (continued)

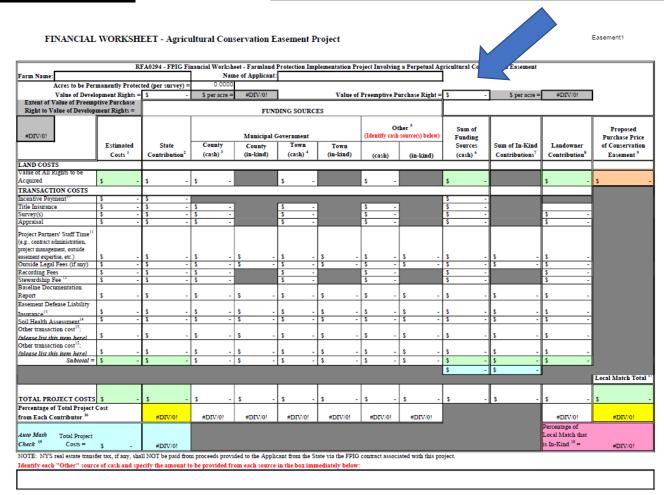
(See Grants Gateway Application Submission Instructions as noted below.)

6 View and Save Your Complete Application

After about 5 minutes, a PDF of your complete submitted application will be created by the system and can be accessed via the forms menu. Please understand that this PDF is **not** your official application; rather, it is a compilation of the reponses you provided in the online application (which is the official application you submitted) that is provided to you as a courtesy for your participation in this grant opportunity provided via Grants Gateway.

Financial Worksheet

If Preemptive Purchase Right is not part of this project, simply leave blank (or enter zero).



Preemptive Purchase Right associated with each cost-share rate:

- Sample #1 (87.5% cost-share rate) "Before" and "After"
- Sample #2 (up to 75.0% cost-share rate) "Before" and "After"
- Sample #3 ("25%+" cost-share rate) "Before" and "After"

NOTE:

- Please remember to submit all questions in writing.
- For your convenience, feel free to send them via email to: <u>david.behm@agriculture.ny.gov</u>

Good luck!

Cheers!





ADJOURN

BSC Invoice Submission Form for Vendors – Claim For Payment –

STATE OF OPPORTUNITY. Busin	NEW YORK STATE OF OPPORTUNITY. Office of General Services Business Services Center C Invoice Submission Form for Vendors					
eading typed information, please type as much	at are being submitted to the BSC by Vendors. recognition software to capture data entered into do a of the information below as possible. Please submit nould be the first document in your attachment, follow	the form along with your scanned invoic				
AGM01						
Invoice Date	Invoice Number C00xxxGG					
Invoice Amount	Unit Code/ID					
\$914,193	N/A					
SECTION II: VENDOR INFORMATION						
Vendor Identification Number (10 Digits) 100000xxxx	Vendor Name Farmland Forever Land Trust					
Notes or Additional Information						
SECTION III: NOTES Notes or Additional Information Interim Payment #2						

AC3253-0 (Revised 814) State CLAIM FOR DAVEAUNT													
State of CLAIM FOR PAYMENT New York													
Vendor Information Vendor Name [Vendor Identification Number]													
Farmland Forever Land Trust													
1234 Scenic Vista Drive Anywhere NY								Zip Code 1xxxx					
	Invoice Number												
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I certify that the	e above bill is lu	st. true an	nd correct	t: that no	part thereof	has been pa	ld except as sta	ted and	that the balance	Is	Total	914,193.00	
actually due ar	nd owing, and the	at taxes fi	rom whic	n the Stat	e is exempt	are excluded	i						
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Withholding Clas	55	Withhol	ding Am	nount	Handling	Code	Payee Amou	nt		Agency Internal Us	e		
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Business Unit		Departr	nent			Program			Fund		Account		
Budget Referen	oe .	Project	ID			Activity		_	Class Operating Unit				
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Legacy Format Charge Lines (If Applicable)													
Expenditures Liquidation									Liquidation				
Dept Co	st Center	Var	Yr.	Object	Dept.	Statewide	Amoun	t	Orig.Agency	PO/Contract	Line	F/P	
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Liability	Date	From	Date	TC		Suble	dger				Optional		